

REMARKS

Claims 31-60 were pending. By virtue of this response, claims 31, 37, 41, 50 and 57 are amended, claims 32-33, 49, 51-52 and 60 are canceled and claim 61 is added. Therefore, claims 31, 34-48, 50, 53-59, and 61 are presently pending. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Claim Rejections Under 35 USC §102 Based on Pearlman

Claims 31-37, 39-42, 47, 48, and 50-59 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pearlman (U.S. Patent No.: 6,308,097).

To anticipate a claim, the reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP § 2131. Applicant submits that Pearlman does not teach the subject matter of independent claims 31 and 50, as amended.

Claim 31 has been amended to recite, "[a] system for monitoring changed in a skin wound over time, the system comprising: ***a wound dressing*** including a two-dimensional array of test electrodes ***for application to the surface of the wound.***" (Emphasis added.) Such a system and use is described, for example, at page 6, lines 15-26 of the specification

In contrast, Pearlman describes a method of characterizing a deep tissue anomaly such as a tumor, cyst, or lesion (Col. 19, lines 37-39.) For example, Pearlman describes using an external paddle sensor to detect anomalies in breast tissue and an internal probe sensor to detect anomalies in internal organ tissue. (Col. 13, lines 47-65.) Similarly, Pearlman describes a flexible probe array 140 (depicted in Figure 7B and cited by the Examiner) that may be placed over tissue. However, flexible probe array 140 is clearly not a wound dressing. Instead, it is intended to conform to breast tissue for imaging internal breast tumors. (Col. 15, lines 25-36.)

It is clear that Pearlman does not describe a sensor to detect surface anomalies, such as a skin wound, and therefore does not and would not describe a sensor integrated in a wound dressing. For example, Pearlman discusses compressing the probe to vary the distance to the deviation

(tumor). (Col. 19, lines 1-6.) Clearly, compression would not be effective in varying the distance to a skin wound and might even lead to further damage and pain.

Additionally, Pearlman would not benefit from the use of a sensor integrated into dressing. A wound dressing would only be necessary if there were a surface wound to protect. Furthermore, a sensor integrated into a wound dressing would only be necessary if one wanted to monitor a surface wound over time, without disturbing the wound. In Pearlman, there is no surface wound to be dressed or to disturb, and therefore no reason to use a dressing.

Accordingly, Pearlman fails to disclose a “dressing including a two-dimensional array of test electrodes,” as recited in independent claims 31 and 50. Further, Pearlman fails to teach that the dressing is “for application to the surface of the wound” (claim 31) or “applying [the] dressing to the wound, the dressing including a two-dimensional array of test electrodes applied to the surface of the wound” (claim 50). Thus, Pearlman fails to disclose the system and method of surface wound mapping described in independent claims 31 and 50.

Further, dependent claims 32-37, 39-42, 47, 48 and 51-59 are novel over Pearlman for at least the reason that they depend from independent claims 31 and 50. In light of the amended independent claims submitted, Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 31-37, 39-42, 47, 48, and 50-59 be withdrawn.

Claim Rejections Under 35 USC §103 Based on Pearlman in View of Cudahy

Claims 38, 43, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearlman as applied to claims 31 and 42 above, further in view of Cudahy et al (U.S. Patent No.: 5,184,620).

As described in the previous section, Pearlman fails to teach or suggest every element of independent claim 31. As with Pearlman, Cudahy et al also fails to teach or suggest these limitations of claims 31: “dressing including a two-dimensional array of test electrodes” or “for application to the surface of the wound.” Accordingly, Applicant submits that the rejected claims are not obvious in view of Pearlman and Cudahy et al, separately or in combination.

Applicant submits that claims 38, 43, and 45-46 are allowable for at least the reason that they depend from allowable claim 31. Applicant respectfully requests that the rejection of claims 38, 43 and 45-46 be withdrawn.

Claim Rejections Under 35 USC §103 Based on Pearlman in View of Bloom

Claims 49 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearlman as applied to claims 31 and 50 above, further in view of Bloom et al (U.S. Patent No.: 6,963,772).

While claims 49 and 60 have been canceled, at least some of the limitations have been incorporated into independent claims 31 and 50. Applicant submits that deficiencies in the Pearlman reference cannot be overcome with the additional Bloom reference.

Bloom describes a system and method that is non-analogous to the surface wound mapping of the present application or the deep tissue mapping of Pearlman. Rather, Bloom describes a system wherein a temperature and/or impedance sensor pair is placed in a support member to detect subsurface fluid. (Abstract; col. 8, lines 40-44; Fig. 2A.) In Bloom, a single measurement point is compared to a second, reference measurement point. (Col. 8, lines 23-28.) Because Bloom is only able to detect fluid buildup at a single point, Bloom is not concerned with imaging a wound area. Furthermore, Bloom does not use a two-dimensional array of impedance-measuring electrodes nor is an impedance map produced. Accordingly, Bloom is non-analogous art that one of ordinary skill would not combine with the teachings of Pearlman.

Bloom does teach that its sensor may be associated with a support member, such as a bandage. (Abstract.) However, sensing characteristics, such as temperature, of a wound is different than mapping the area of the wound. Accordingly, Bloom does not describe a system and method of *surface wound mapping* as described in claims 31 and 50. As discussed above, Pearlman also fails to disclose the system and method of surface wound mapping described in independent claims 31 and 50.

Therefore, Applicant submits that the combination of the Pearlman and Bloom references does not teach all of the limitations of independent claims 31 and 50. Applicant submits that claims

49 and 60 are allowable for at least the reason that they depend from independent claims 31 and 50. Applicant respectfully requests that the rejection of claims 49 and 60 be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 595552000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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